

Honorable Judge Benjamin Settle

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CLYDE RAY SPENCER,

Plaintiff,

v.

JAMES M. PETERS, et al.,

Defendants.

No. C11-5424BHS

DECLARATION OF KATHLEEN  
T. ZELLNER IN SUPPORT OF  
PLAINTIFF'S RESPONSE TO  
DEFENDANT KRAUSE'S  
MOTION FOR  
RECONSIDERATION

NOTE ON MOTION CALENDAR:  
Friday, September 27, 2013

Pursuant to 28 U.S.C. § 1746, Kathleen T. Zellner declares under penalty of perjury under the laws of the State of Washington and the United States of America that the following is true and accurate:

1. I am the attorney of record for Plaintiff Clyde Ray Spencer in the above entitled action. I am competent to testify in all respects, and make this declaration from personal knowledge.

2. Attached hereto as **Exhibit A** is a true and correct copy of excerpts from the deposition of Sharon Krause. Specifically, the following pages from the transcript of the deposition are attached: 95-96, 100-111, 175.

3. Attached hereto as **Exhibit B** is a true and correct copy of excerpts from the deposition of James Peters. Specifically, the following pages from the transcript of the deposition are attached: 17, 21, 53, 112, 145-47, 169-70, 174-76, 216-17, 236, 240.

DECLARATION OF KATHLEEN T. ZELLNER IN SUPPORT  
OF PLAINTIFF'S RESPONSE TO DEFENDANT KRAUSE'S  
MOTION FOR RECONSIDERATION  
(C11-5424BHS) — 1

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Downers Grove, Illinois 60515  
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4. Attached hereto as **Exhibit C** is a true and correct copy of excerpts from the deposition of James Michael Davidson. Specifically, the following pages from the transcript of the deposition are attached: 78-83.

5. Attached hereto as **Exhibit D** is a true and correct copy of excerpts from the deposition of Sharon Krause, taken May 22, 1996, in the matter of *Clyde Raymond Spencer v. Joseph Klauser, et al.*, Case No. C94-5238RJB (prior habeas proceedings). Specifically, the following page from the transcript of the deposition is attached: 18.

6. Attached hereto as **Exhibit E** is a true and correct copy of excerpts from the hearing testimony of James Peters, in the matter of *Clyde Raymond Spencer v. Joseph Klauser, et al.*, Case No. C94-5238RJB (prior habeas proceedings). Specifically, the following pages from the transcript of the hearing are attached: 397.

7. Attached hereto as **Exhibit F** is a true and correct copy of excerpts from the deposition of Arthur Curtis. Specifically, the following pages from the transcript of the deposition are attached: 48-49.

SIGNED this 20th day of September, 2013 in Downers Grove, Illinois.

Respectfully submitted,

/s/ Kathleen T. Zellner  
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DECLARATION OF SERVICE

I hereby certify that on September 20, 2013, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the attorneys of record as follows:

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Guy Bogdanoich Law, Lyman, Daniel, Kamerrer & Bogdanovich, P.S. P.O. Box 11880 Olympia, WA 98508-1880 Email: gbogdanovich@lldkb.com Attorney for Defendant Sharon Krause	Jeffrey A. O. Freimund Freimund Jackson Tardif & Benedict Garratt, PLLC 711 Capitol Way South, Suite 602 Olympia, WA 98502 Email: jeffF@fjtlaw.com Attorneys for Defendant Michael Davidson

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